

Approved: \_\_\_\_\_ Mayor

Veto: \_\_\_\_\_

Override: \_\_\_\_\_

### RESOLUTION NO. Z-3-03

WHEREAS, S & D LAND DEVELOPMENT, INC. had applied to Community Appeals Zoning Board 8 for the following:

RU-1 & BU-2 TO RU-4M

SUBJECT PROPERTY: Commence at the Northeast corner of tract 27 of REVISED PLAT OF WEST LITTLE RIVER, Plat book 34, page 19; thence S89°59' 48"E for 25.11' to the Point of beginning of the hereinafter described parcel of land; thence S89°59' 48"E along the S/ly right-of-way line of N.W. 78<sup>th</sup> street for 548.66' to a Point of tangency of a circular curve to the left concave to the Southeast having a radius of 25' and a central angle of 89°59' 54" for 39.27' ; thence S0°0' 18"W along the E/ly right-of-way line of N.W. 22<sup>nd</sup> avenue for 392.1' ; thence N89°55' 20"E to a point along the W/ly right-of-way line of N.W. 21<sup>st</sup> avenue for 596.97' ; thence N0°15' 10"W along the W/ly right-of-way line of N.W. 21<sup>st</sup> avenue for 391.15' to a Point of tangency of a circular curve to the left concave to the Southwest having a radius of 25' and a central angle of 90°14' 58" for 39.38' to the Point of beginning.

LOCATION: The Southeast corner of N.W. 78 Street and N.W. 22 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 8 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 8 that the requested district boundary change to RU-4M would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied without prejudice and said application was denied by Resolution No. CZAB8-2-03, and

*WHEREAS*, **THE CORINTHIAN APARTMENTS LTD** appealed the decision of Community Zoning Appeals Board 8 on **S & D LAND DEVELOPMENT, INC.** to the Board of County Commissioners, for the following:

RU-1 & BU-2 to RU-4M

**SUBJECT PROPERTY:** Commence at the Northeast corner of Tract 27 of REVISED PLAT OF WEST LITTLE RIVER, Plat book 34, Page 19; thence S89°59' 48"E for 25.11' to the Point of beginning of the hereinafter described parcel of land; thence S89°59' 48"E along the S/ly right- of-way line of N.W. 78<sup>th</sup> Street for 548.66' to a Point of tangency of a circular curve to the left concave to the Southeast having a radius of 25' and a central angle of 89°59' 54" for 39.27' ; thence S0°0' 18"W along the E/ly right-of-way line of N.W. 22<sup>nd</sup> Avenue for 392.1' ; thence N89°55' 20"E to a point along the W/ly right-of-way line of N.W. 21<sup>st</sup> Avenue for 596.97' ; thence N0°15' 10"W along the W/ly right-of-way line of N.W. 21<sup>st</sup> Avenue for 391.15' to a Point of tangency of a circular curve to the left concave to the Southwest having a radius of 25' and a central angle of 90°14' 58" for 39.38' to the Point of beginning.

**LOCATION:** The Southeast corner of N.W. 78 Street and N.W. 22 Avenue, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

- 1) That the Property will be developed with no more than 180 residential units.
- 2) That the Building Height will not exceed five (5) stories.
- 3) That 20 percent (20%) of the units shall be utilized by persons with Section 8 housing vouchers.

*WHEREAS*, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

*WHEREAS*, after reviewing the record and decision of Community Zoning Appeals Board 8 and after having given an opportunity for interested parties to be heard, it is the opinion of this Board that the grounds and reasons specified in the appeal were sufficient to

merit a reversal of the ruling made by Community Zoning Appeals Board 8 in Resolution No CZAB8-2-03 and that the appeal for a District Boundary Change to RU-4M would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be granted, and that the decision of Community Zoning Appeals Board 8 should be overruled, and to accept the proffered Declaration of Restrictions, and

*WHEREAS*, a motion to accept the proffered Declaration of Restrictions and to grant the appeal was offered by Commissioner Dorrin D. Rolle, seconded by Commissioner Sally A.

Heyman, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	aye	Dennis C. Moss	aye
Jose "Pepe" Diaz	aye	Dorrin D. Rolle	aye
Betty T. Ferguson	aye	Natacha Seijas	absent
Sally A. Heyman	aye	Katy Sorenson	aye
Joe A. Martinez	aye	Rebeca Sosa	absent
Jimmy L. Morales	absent	Javier D. Souto	aye

Chairperson Barbara M. Carey-Shuler          aye

*NOW THEREFORE BE IT RESOLVED* by the Board of County Commissioners, Miami-Dade County, Florida, that the appeal for a District Boundary Change to RU-4M be and the same is hereby granted and the decision of Community Zoning Appeals Board 8 is hereby overruled.

*BE IT FURTHER RESOLVED* that Resolution No. CZAB8-2-03 is hereby null and void.

*BE IT FURTHER RESOLVED* that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

*BE IT FURTHER RESOLVED*, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

***THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED*** this 13<sup>th</sup> day of March, 2003, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 02-11-CZ8-2

ej

HARVEY RUVIN, Clerk  
Board of County Commissioners  
Miami-Dade County, Florida

By: **KAY SULLIVAN**  
Deputy Clerk

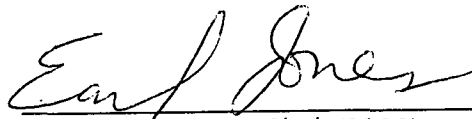
THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 31<sup>ST</sup> DAY OF MARCH, 2003.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-3-02 adopted by said Board of County Commissioners at its meeting held on the 13<sup>th</sup> day of March, 2003.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 28<sup>th</sup> day of March, 2003.



Earl Jones, Deputy Clerk (3230)  
Miami-Dade County Department of Planning and Zoning

SEAL

